

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

No. 7:18-CV-9-BO

SHIRLEY VERRETTE MCIVER,

Plaintiff,

v.

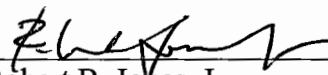
UNITED STATES OF AMERICA, et al.,

Defendants.

ORDER

This matter is before the court on *pro se* Plaintiff's Motion for Dr. Gordon to Present Medical Records. [DE-72]. The court construes the motion as a motion to compel, and denies it as premature. A motion to compel discovery is premature where Defendant Gordon has not had an opportunity to answer the discovery requests. *See* Fed. R. Civ. P. 37(a)(3) (a motion to compel discovery may be filed where "a party fails to produce documents or fails to respond that inspection will be permitted—or fails to permit inspection—as requested under Rule 34."). Here, no scheduling order has been entered and it is not apparent that Plaintiff has sought to obtain the documents from Defendant Gordon. Accordingly, the motion is denied.

Submitted, this the 5th day of March, 2018.

  
Robert B. Jones, Jr.  
United States Magistrate Judge